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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 BOARD OF TRUSTEES OF THE
11 AUTOMOTIVE MACHINISTS PENSION
12 TRUST,

13 Plaintiff,

14 v.

15 ROSS ISLAND SAND AND GRAVEL
16 COMPANY, an Oregon Corporation,
17 Oregon Registration No. 029100-16,

18 Defendant.

19 NO.

20 COMPLAINT FOR BREACH OF
21 COLLECTIVE BARGAINING
22 AGREEMENT AND DELINQUENT
CONTRIBUTIONS (ERISA)

23 For their complaint, plaintiffs allege as follows:

24 **I. PARTIES AND JURISDICTION**

25 1. Plaintiff is the Board of Trustees of a joint labor-management trust fund
26 created under Section 302(c) of the Labor Management Relations Act, (hereafter referred to
27 as the Act), 29 U.S.C. 186(c) and governed by the Employee Retirement Income Security Act
28 of 1974, 29 U.S.C. 1001, et seq. as amended (hereafter ERISA).

29 2. Ross Island Sand and Gravel Company ("Ross Island") is an Oregon

30 **COMPLAINT FOR BREACH OF COLLECTIVE
31 BARGAINING AGREEMENT – 1**

1 corporation having its principal offices located at 4315 SE McLoughlin Blvd., Portland, OR
2 97282.

3 3. Jurisdiction is conferred on this Court by ERISA § 502, 29 U.S.C. § 1132.

4 4. Venue is appropriate under ERISA § 502(e)(2), 29 U.S.C. § 1132(e)(2),
5 because the Trust is administered in King County, Washington.

6 **II. CLAIM FOR RELIEF**

7 5. On or about March 2008, A. Charles Steinwandel, president of Ross Island,
8 signed a collective bargaining agreement (“CBA”) with the International Association of
9 Machinists and Aerospace Workers, District Lodge No. 24.

10 6. At no time has Ross Island attempted to withdraw from the Union or terminate
11 the CBA.

12 7. At all material times, Ross Island was, and is, obligated to perform in
13 accordance with the terms of the CBA, which incorporates the terms of the Trust Agreement
14 governing the Automotive Machinists Pension Trust, and submit contributions to the
15 Automotive Machinists Pension Trust on behalf of its employees performing work covered by
16 the CBA.

17 8. The employer has failed to submit the contributions in accordance with the
18 CBA and Trust documents, thereby breaching ERISA §§ 502 and 515, 29 U.S.C. §§ 1132 and
19 1145.

20 9. Ross Island has employed employees for whom employee benefit contributions
21 are due under this obligation but has failed and refuses to make the required monthly
22 contributions for such employees to the plaintiff Trust Fund for the delinquent period of July

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1 through October 2016.

2 10. Ross Island owes \$18,000.00 in contributions for the delinquent months of
3 September and October 2016.

4 11. An unknown amount of contributions are due for the delinquent period of
5 November 2016 through current to be proven on motion or at trial.

6 12. Under the terms of the trust agreements creating the trust funds and ERISA
7 § 502(g)(2), 29 U.S.C. § 1132(g)(2), Ross Island is obligated to pay liquidated damages,
8 interest, reasonable attorney's fees, and costs and expenses of suit.

9 13. For the delinquent months of July through October 2016, Ross Island owes
10 \$7,667.20 in liquidated damages, \$475 in interest (calculated through November 14, 2016),
11 and \$400 in referral attorney fees.

12 WHEREFORE, the plaintiff prays for judgment against defendant Ross Island Sand
13 and Gravel Co. as follows:

14 (a) For the full amount of contributions found to be owing to the plaintiff Trust Fund
15 to the date of the judgment herein;

16 (b) For liquidated damages, interest, attorney fees, and costs of expenses of suit; and

17 (c) For such other and further relief as the Court deems just and equitable.

18 DATED THIS 17th day of November, 2016.

19 /s/Noelle E. Dwarzski

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